

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JULIEE L. BATES, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
vs.                 )  
                        )  
                        )  
ROCHE DIAGNOSTICS ) 1:12-cv-00308-RLY-DML  
CORPORATION,         )  
                        )  
                        )  
Defendant.         )

**ORDER GRANTING DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S  
SURREPLY IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT**

This matter comes before the court on Defendant Roche Diagnostics Corporation's ("Roche") Motion to Strike Plaintiff's Surreply in Opposition to Defendant's Motion for Summary Judgment, and the court, after having reviewed the same, hereby finds that said Motion should be **GRANTED** for the following reasons:

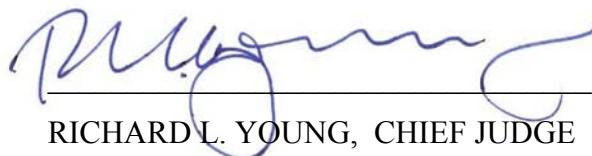
1. Juliee L. Bates ("Plaintiff"), by counsel, filed "Plaintiff's Surreply In Opposition To Defendant's Motion For Summary Judgment" on July 5, 2013. (Docket # 44).
2. According to Local Rule 56-1(d) of the Southern District of Indiana, "[a] party opposing a summary judgment motion may file a surreply brief only if the movant cites new evidence in the reply or objects to the admissibility of the evidence cited in the response. L.R. 56-1(d). Furthermore, the surreply's contents must be

limited to the alleged new evidence and/or objections. *Outlaw v. Regis Corp.*, 2013 U.S. Dist. 2013 WL 499519, \*4 (S.D. Ind. Feb. 11, 2013).

3. Plaintiff's surreply brief fails to point to any new evidence introduced in the Defendant's reply brief. Furthermore, this court finds the language used in Defendant's reply brief concerning certain testimony does not amount to an objection within the meaning of Local Rule 56-1(d).

**IT IS THEREFORE ORDERED** that the Defendant's Motion To Strike Plaintiff's Surreply In Opposition To Defendant's Motion for Summary Judgment is **GRANTED** (Docket # 45) and Plaintiff's Surreply In Opposition To Defendant's Motion For Summary Judgment is hereby stricken (Docket # 44) from the record.

**SO ORDERED** this 12th day of September 2013.



RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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